

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IRACING.COM MOTORSPORT SIMULATIONS,  
LLC, a Delaware Limited Liability Company,

Plaintiff,

V.

TIM ROBINSON, individually and d/b/a  
www.ow-racing.com and www.torn8oalley.com,

Defendant.

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Civil Action No.

05-11639 NG

## NOTICE OF SETTLEMENT PROGRESS

As requested by this Court on December 11, 2007, Plaintiff iRacing.com Motorsport Simulations, LLC (“iRacing”) respectfully submits this notice of the progress of settlement negotiations regarding a proposed “cap” on damages and attorneys fees in the preset action against defendant Tim Robinson (“Robinson”).

1. At the December 11, 2007 hearing, counsel for iRacing proposed that iRacing is willing to set a “cap” on damages and attorneys fees in this action in order to streamline the remaining issues for trial, and potentially to eliminate the necessity of a “damages” phase. During the hearing, counsel for iRacing suggested an approximate figure for such a cap.

2. After the December 11, 2007 hearing, counsel for Robinson ("Mr. Ryan") and the undersigned conferred regarding the negotiation of a reasonable cap number.

3. On the morning of December 17, 2007, Mr. Ryan and the undersigned conferred by telephone regarding the negotiation of a reasonable cap number.

4. On December 18, 2007, Mr. Ryan and the undersigned conferred by e-mail regarding the negotiation of a reasonable cap number.

5. At present, iRacing and Robinson have been unable to agree on a reasonable cap number. However, both parties appear willing and plan to continue to negotiate in good faith in an attempt to agree on a reasonable cap number.

DATED: December 18, 2007

Respectfully submitted,

iRacing.com Motorsport Simulations, LLC

By its attorneys,

/s/ Michael G. Andrews  
Irwin B. Schwartz (BBO# 548763)  
Michael G. Andrews (BBO# 663452)  
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(617) 421-1800  
(617) 421-1810 (fax)

**Certificate of Service**

I, Michael G. Andrews, attorney for Plaintiff iRacing.com Motorsport Simulations, LLC, hereby certify that on this 18th day of December 2007, I filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to: Joseph F. Ryan, Lyne Woodworth & Evarts LLP, 600 Atlantic Avenue, Boston, MA 02210, counsel for Defendant Tim Robinson.

/s/ Michael G. Andrews  
Michael G. Andrews